

Amendments to the Drawings:

The attached sheets of drawings include changes to Figs. 11-14. A legend "Prior Art" has been provided in Figs. 11-14.

The attached sheets replace the original sheets.

Attachment: Replacement Sheets

REMARKS

This Amendment and Response is in reply to the non-final Office Action mailed July 21, 2008. A three (3) month extension of time is filed herewith. Therefore, the time period for reply extends up to and includes January 21, 2009. Applicant wishes to thank the Examiner for the Examiner's careful review and consideration of this application.

In the subject Action, claims 1-5 were rejected. Applicant has amended claims 1, 3, and 4. No new matter has been introduced, and such amendments are fully supported by the originally filed specification, claims and drawings. Claims 1-5 remain pending in the present application. In light of the foregoing amendments and the following remarks, Applicant respectfully requests withdrawal of the pending rejections and advancement of this application to allowance.

Drawings and Specification

At paragraph 1 of the subject Action, the Examiner suggested that Figs. 11-14 should be designated as "Prior Art". Applicant has now amended Figs. 11-14 above to be so labeled.

At paragraph 2, the drawings were objected to because they include the reference characters 530b and 510c which are not mentioned in the description. Applicant has amended the specification above to include the reference characters 530b and 510c.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objections.

Rejections under 35 U.S.C. § 102

At paragraph 4 of the subject Action, claims 1-3 and 5 were rejected under § 102(b) as being anticipated by Okahashi (JP 09-157906). Applicant respectfully traverses this rejection.

First, Applicant does not concede the characterization stated in the subject Action. However, in order to advance prosecution, Applicant has amended independent claim 1 to further define the recited subject matter. More specifically, claim 1 as now amended recites "an inner pad member coupled to an inside of the body member for a direct contact with a heel when the heel protector is worn." (emphasis added)

Okahashi fails to disclose (or suggest) the recited limitations of Applicant's claim 1. In sharp contrast, Okahashi discloses an impermeable layer 4 which is formed at the heel and at the toe portions of a foot between an inside layer 2 and an outside layer 3. See Okahashi, Abstract; Figures 1-2. In Okahashi, the impermeable layer 4 (including the impermeable layer 4B) does not make direct contact with a heel. Thus, Okahashi does not disclose or suggest "an inner pad member coupled to an inside of the body member for a direct contact with a heel when the heel protector is worn," as required by claim 1 of the present application.

Second, claim 1 as now amended also recites "a portion of each lateral distal end of the inner pad member accommodated to both lateral sections of the heel is coupled to the body member, such that the inner pad member being in contact with the heel can relatively slide in relation to the body member when the heel protector is worn." (emphasis added)

Okahashi also fails to disclose (or suggest) these recited limitations of Applicant's claim 1. In sharp contrast, Okahashi first discloses the overall border (i.e., not a portion) of the impermeable layer is fixedly connected to the double layered sock. See Okahashi, e.g., Figure 2. Okahashi also discloses that the impermeable layer is inserted between the inner layer and the outer layer and does not make contact with the heel. Second, Okahashi does not suggest relative sliding of the impermeable layer in relation to the double layered sock (e.g., to thereby help prevent calluses and blisters caused by friction).

Claims 2-3 and 5 are dependent claims and so are also believed to be allowable over the art of record. Applicant does not otherwise concede the correctness of the Examiner's rejection and reserves the right to make additional arguments as may be necessary.

In view of the above, Applicant respectfully requests the Examiner's reconsideration and withdrawal of the rejection of claims 1-3 and 5.

Rejections under 35 U.S.C. § 103

At paragraph 6 of the Action, claim 4 was rejected under § 103(a) as being obvious over Okahashi in view of Sogawa (JP 09-310201). Applicant respectfully traverses the rejection.

As discussed above, independent claim 1 is patentable over Okahashi. Sogawa fails to overcome the deficiencies of Okahashi with respect to independent claim 1. Dependent claim 4

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necessarily includes the limitations of independent claim 1. Thus, dependent claim 4 is also believed to be allowable over the art of record. Applicant does not otherwise concede the correctness of the Examiner's rejection and reserves the right to make additional arguments as may be necessary.

In view of the foregoing, Applicant respectfully requests the Examiner's reconsideration and withdrawal of the rejection.

Conclusion

This response is believed to be responsive to all points raised in the Office Action. Accordingly, Applicant respectfully requests reconsideration and allowance of all of the currently pending claims. Should the Examiner have any remaining questions or concerns, the Examiner is urged to contact the undersigned attorney at (612)336.4755 to discuss the same.

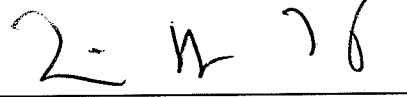
Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 13-2725.

Respectfully submitted,

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By



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